

Magistrate Judge Paula L. McCandlis

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT BELLINGHAM

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOSEPH MARTIN, JR.,

Defendant.

CASE NO. MJ16-255

COMPLAINT for VIOLATION

Title 18, United States Code, Section 922(g)(1)

BEFORE Paula L. McCandlis, United States Magistrate Judge, United States
Courthouse, Bellingham, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of a Firearm)

On or about February 11, 2016, at Bellingham, within the Western District of
Washington, MICHAEL JOSEPH MARTIN, JR., having been convicted of the following
crimes punishable by imprisonment for a term exceeding one year, to wit:

- a. Theft in the Second Degree, in Whatcom County Superior Court, cause number
11-1-00809-9, on or about July 26, 2011; and
- b. Unlawful Imprisonment with Sexual Motivation, in Whatcom County Superior
Court, cause number 01-8-00836-4, on or about April 15, 2002;

1 did knowingly possess, in and affecting interstate and foreign commerce, the following
2 firearm, to wit: a Cobra Enterprises, .32 caliber pistol, serial number CP011058, which had
3 been shipped and transported in interstate and foreign commerce.

4 All in violation of Title 18, United States Code, Section 922(g)(1).

5 **COUNT 2**

6 **(Felon in Possession of a Firearm)**

7 On or about December 31, 2015, at Kent, within the Western District of Washington,
8 MICHAEL JOSEPH MARTIN, JR., having been convicted of the following crimes
9 punishable by imprisonment for a term exceeding one year, to wit:

- 10 a. Theft in the Second Degree, in Whatcom County Superior Court, cause number
11 11-1-00809-9, on or about July 26, 2011; and
12 b. Unlawful Imprisonment with Sexual Motivation, in Whatcom County Superior
13 Court, cause number 01-8-00836-4, on or about April 15, 2002;

14 did knowingly possess, in and affecting interstate and foreign commerce, the following
15 firearm, to wit: a Raven Arms Company, MP-25 pistol, Serial Number 659843, which had
16 been shipped and transported in interstate and foreign commerce.

17 All in violation of Title 18, United States Code, Section 922(g)(1).

18 **COUNT 3**

19 **(Felon in Possession of a Firearm)**

20 On or about October 27, 2015, at Bellingham, within the Western District of
21 Washington, MICHAEL JOSEPH MARTIN, JR., having been convicted of the following
22 crimes punishable by imprisonment for a term exceeding one year, to wit:

- 23 a. Theft in the Second Degree, in Whatcom County Superior Court, cause number
24 11-1-00809-9, on or about July 26, 2011; and
25 b. Unlawful Imprisonment with Sexual Motivation, in Whatcom County Superior
26 Court, cause number 01-8-00836-4, on or about April 15, 2002;

1 did knowingly possess, in and affecting interstate and foreign commerce, the following
2 firearm, to wit: a Smith & Wesson, .357 revolver, Serial Number CFU 9586, which had been
3 shipped and transported in interstate and foreign commerce.

4 All in violation of Title 18, United States Code, Section 922(g)(1).

5 The undersigned complainant being duly sworn further states:

6 1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have
7 been so employed since July of 2014. I am currently assigned to the Bellingham Resident
8 Agency, Seattle Division of the FBI, and am assigned to investigate violent criminal matters.
9 As a Special Agent, I am authorized to investigate violations of laws of the United States and
10 to execute warrants issued under the authority of the United States.

11 2. The facts set forth herein are based on my own personal knowledge,
12 information obtained from other individuals during my participation in this investigation,
13 including other law enforcement officers, review of documents and records related to this
14 investigation, communications with others who have personal knowledge of the events and
15 circumstances described herein, and information gained through my training and experience.

16 3. Since this affidavit is being submitted for the limited purpose of securing an
17 arrest warrant, I have not included each and every fact known to me concerning this
18 investigation. I have set forth only the facts necessary to establish that MICHAEL JOSEPH
19 MARTIN, JR. committed violations of Title 18, United States Code, Sections 922(g)(1).

20 4. I have reviewed MARTIN's criminal history, including copies of court
21 documents reflecting that MARTIN was convicted of the following felony offenses:

22 a. *Theft in the Second Degree*, case number 11-1-00809-9, in Whatcom
23 County Superior Court on or about July 26, 2011; and

24 b. *Unlawful Imprisonment with Sexual Motivation*, case number 01-8-
25 00836-4, in Whatcom County Superior Court on or about April 15, 2002.

26 **Possession of a Firearm on February 11, 2016**

27 5. On February 11, 2016, Lummi Nation Police Department (LNPd) officers
28 executed a search warrant at a residence located at xx84 Smokehouse Road, Bellingham,

1 Washington, to search for MICHAEL JOSEPH MARTIN, JR., who had outstanding
2 warrants for his arrest. During the search, LNPD Detective Brandon Gates made contact
3 with MARTIN outside the residence. Detective Gates ordered MARTIN to the ground, but
4 MARTIN did not comply. When MARTIN reached towards his back pockets, Detective
5 Gates forced MARTIN to the ground in order to restrain him. MARTIN did not comply with
6 the officers' orders, so Detective Gates and LNPD Sergeant Christian Holmes forcibly
7 removed MARTIN's hands out from underneath his body and handcuffed him.

8 6. Detective Gates searched MARTIN's person and recovered a Cobra
9 Enterprises, .32 caliber pistol, serial number CP011058, from his left back pocket.
10 Additional items recovered from MARTIN's person at that time included a syringe and
11 needle, a black knife, and a blue and black brass knuckle knife. MARTIN was placed under
12 arrest and transported to Whatcom County Jail in Bellingham.

13 **Possession of a Firearm on December 31, 2015**

14 7. On December 31, 2015, at approximately 9:10 a.m., Kent Police Department
15 Officer L.M. Baron was patrolling the King County Star Lake Park and Ride at 27015 26th
16 Avenue South, Kent, Washington, when he observed a vehicle without front or back license
17 plates parked toward the back of the park and ride next to a large truck. Officer Baron
18 observed three occupants in the vehicle looking towards him and moving in the vehicle. Due
19 to the high crime rate in that parking lot, Officer Baron stopped to speak with the occupants
20 of the vehicle.

21 8. Officer Baron made initial contact with the female occupant in the driver seat,
22 later identified as Tiana Lane. Ms. Lane explained that she stopped the car in order to put
23 eye drops in her eyes. Officer Baron did not observe any eye drops in her hand or around
24 her. As Officer Baron was talking with Ms. Lane, he observed two male passengers reaching
25 under bags and items next to and in front of them. Officer Baron repeatedly asked the two
26 male passengers to keep their hands where he could see them. Officer Baron continued to
27 question Ms. Lane about their reason for parking the vehicle and asked her for information
28 about the vehicle. One of the male passengers, later identified as MICHAEL JOSEPH

1 MARTIN, JR., continued to reach forward between a backpack and under the seat. Officer
2 Baron again repeated the command to MARTIN to keep his hands where he could see them.

3 9. Ms. Lane then rolled up the window of the vehicle, and as she did so, the other
4 male passenger, later identified as Randall Williams, opened his door and started to try to
5 step out of the vehicle. As Officer Baron instructed Mr. Williams to remain in the vehicle,
6 MARTIN opened the door quickly and stepped out of the vehicle facing Officer Baron with
7 his hands placed behind the vehicle so that Officer Baron could not see MARTIN's hands.
8 Officer Baron pushed the vehicle door shut in order to keep Mr. Williams in the vehicle and
9 Officer Baron drew his firearm while instructing MARTIN to show his hands. MARTIN did
10 not show his hands, but instead got back into the vehicle. Ms. Lane then stepped out of the
11 vehicle and was instructed by Officer Baron to keep her hands on the vehicle. At this time,
12 MARTIN was again reaching around in front of his seat. Officer Baron ordered MARTIN to
13 show his hands several more times until he finally complied.

14 10. Officer Baron detained these three individuals with his firearm drawn until
15 other officers arrived and provided back up. At that point, Ms. Lane was handcuffed.
16 Officers then ordered Mr. Williams and MARTIN to exit the vehicle. They both did so and
17 were placed in handcuffs. MARTIN was searched and had a knife in one of his pockets.

18 11. After the three occupants were detained, Officer Baron walked up to the
19 vehicle and looked through the windows. He saw a firearm in plain view on the floor of the
20 front passenger side of the vehicle. This was the same area where MARTIN was previously
21 reaching.

22 12. Officer Baron asked Ms. Lane about the firearm and she stated that the gun
23 was not hers. She acknowledged that MARTIN was her boyfriend, and that he carried
24 firearms with him all the time.

25 13. Officer Baron asked MARTIN about the firearm. MARTIN denied that the
26 gun was his, denied that he was not a gang member, but acknowledged that he belonged to
27 the "Roland 60's Crips."
28

1 14. Ms. Lane gave the officers consent to search the vehicle and signed a consent
2 to search form. During the search of the vehicle, a Raven Arms Company, MP-25 pistol,
3 Serial Number 659843, was recovered the front passenger seat of the vehicle. Next to the
4 firearm officers found a blue backpack that contained drug paraphernalia, as well as a black
5 container that appeared to have heroin inside of it. The heroin was packaged in several small
6 zip-lock baggies. Both Ms. Lane and Mr. Williams reported that the backpack belonged to
7 MARTIN. Although Ms. Lane was released, Mr. Williams and MARTIN were placed under
8 arrest and transported to Kent Jail.

9 **Possession of a Firearm on October 27, 2015**

10 15. On October 27, 2015, LNPd Officer Hoyle was on patrol on the Lummi
11 Reservation when he heard what sounded like a gunshot come from a vehicle that was
12 driving erratically behind his patrol vehicle. Officer Hoyle allowed the vehicle, a dark blue
13 truck with no plates and tinted windows, to pass his patrol car before he activated the
14 emergency lights in pursuit of the vehicle. The driver of the blue truck failed to yield or stop
15 and continued to drive at a high rate of speed. Officer Hoyle pursued the vehicle to the
16 exterior boundary of the reservation. At that time, Officer Hoyle deactivated his emergency
17 lights and communicated information over his radio to dispatch regarding the vehicle and its
18 direction of travel.

19 16. Whatcom County Sheriff's Deputy Ryan Rathburn responded and set spike
20 strips on Marine Drive in Bellingham and waited for the vehicle. The vehicle drove across
21 the spike strips, deflating all four tires, and continued southbound on Marine Drive. Deputy
22 Rathburn believed that the occupants of the vehicle were armed and approaching a heavily
23 populated and trafficked area of the city. Consequently, he requested and received
24 permission to conduct a PIT maneuver on the subject vehicle. Deputy Rathburn conducted
25 the maneuver and both vehicles came to a stop.

26 17. Sergeants Gum and Mede joined Deputy Rathburn and ordered the passenger,
27 later identified as Cayce Jones, to exit the vehicle. Mr. Jones complied and was detained
28 without incident. The driver of the vehicle, later identified as MICHAEL JOSEPH

1 MARTIN, JR., did not comply with the officers' commands and did not raise his hands when
2 ordered to do so. In response to the officer's commands to show his hands, MARTIN made
3 eye contact with the officers, lifted up an orange can of "4 Loco" beer, took a large sip, and
4 slammed the can down. The officers continued to give MARTIN commands to show his
5 hands. MARTIN ignored these commands. He leaned forward and reached towards the
6 floorboards of the vehicle with his hands. The officers believed MARTIN was reaching for
7 something on the seat or on the floor.

8 18. Sergeant Mede approached the vehicle and grabbed MARTIN through the
9 open driver's side window of the vehicle, but MARTIN continued to resist. Consequently,
10 Sergeant Mede pulled MARTIN out of the vehicle through the open window and took him to
11 the ground. MARTIN continued to resist and it took several officers to restrain and take him
12 into custody.

13 19. Deputy Rathburn visually cleared the truck's interior and observed in plain
14 view a chrome revolver and a box of ammunition on the driver's side floor board of the
15 vehicle. The revolver was in the area where MARTIN had been reaching earlier.

16 20. Officers secured the vehicle and the surrounding area while Detective Roff left
17 the scene to obtain a search warrant for the vehicle. After Detective Roff returned with the
18 warrant, officers searched the vehicle and recovered a silver-colored Smith & Wesson .357
19 revolver, Serial Number CFU 9586, which was lying on the driver's side floor board. The
20 firearm contained four live rounds and one spent round in the cylinder.

21 Interstate Commerce

22 21. On May 9, 2016, Special Agent David Cline with the Bureau of Alcohol,
23 Tobacco, Firearms, and Explosives (ATF) reviewed information regarding the firearms listed
24 herein in Counts 1, 2 and 3, above. Based on his knowledge and experience, Agent Cline
25 determined that they are firearms under Federal law and that each firearm was manufactured
26 in a state other than the State of Washington. Therefore, each of the firearms traveled in and
27 affected interstate or foreign commerce when they were received in or possessed in the State
28 of Washington.

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

PAULA L. McCANDLIS
United States Magistrate Judge